

The 8th/9th July, 1987

No. 9/2/87-6Lab/3998./—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the Workman and the management of M/s Azad Motor Transport Company Pvt., Ltd., Delhi Branch Office, Kharkhoda District Sonapat:—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK.

Reference No. 94 of 1987

between

SHRI RAM AVTAR, WORKMAN AND THE MANAGEMENT OF M/s. THE AZAD
MOTOR TRANSPORT COMPANY PVT. LTD., DELHI BRANCH OFFICE,
KHARKHODA, DISTRICT SONEPAT

Shri S. N. Vats, A.R. for the workman.

None for the respondent.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute between the workman Shri Ram Avtar, and the management of M/s. The Azad Motor Transport Company Pvt., Ltd., Delhi Branch Office, Kharkhoda District, Sonapat, to this Court, for adjudication,—vide Haryana Government Gazette Notification No. 11894-49. dated 19th March, 1987 :—

Whether services of Shri Ram Avtar, s/o Shri Phool Chand were terminated or he has lost lien by remaining absenting ? To what relief is he entitled on this point ?

2. After receipt of the order of reference, notices were issued to the parties. The management did not appear despite service through registered notice. The case of the petitioner is that he was employed with the respondent as a Conductor in the month of August 1975 but the respondent choose to terminate his services on 22nd May, 1980,—vide order dated and that his termination squarely falls within the ambit of term "retrenchment" as defined in section 2 (oo) of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act), which was brought about without complying with the mandatory provisions of section 25F of the said Act. *Inter alia*, it is alleged that in his place of Mohinder Singh, was employed as Conductor.

When the respondent did not appear inspite of service of registered notice, *ex parte* proceedings order was passed against the respondent by me on 20th April, 1987.

4. In *ex parte* evidence the petitioner appeared as WW-1 and made a statement completely in corroboration of his claim. I, see no reason to disbelieve the sworn testimony of the petitioner, which remained un rebutted and find that the respondent unlawfully terminated the services of the petitioner on 22nd May, 1980 in flagrant disregard of the provisions of section 25F of the said Act. So, the order of termination is illegal and unlawful. So, the same is set aside. The petitioner is ordered to be reinstated with continuity of service and full back wages. The reference is answered and returned accordingly with no order as to cost.

✓ Dated, the 27th May, 1987.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.
Camp Court, Sonapat.

Endst. No. 94-87/1897 dated the 5th June 1987.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.
Camp Court, Sonapat.